



Sen. Don Harmon

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09900SB1830sam002

LRB099 04988 RLC 34575 a

1 AMENDMENT TO SENATE BILL 1830

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1830 on page 21,  
3 line 2, by inserting "or evidence of rehabilitation, or both"  
4 after "rehabilitation"; and

5 on page 21, by replacing lines 17 through 21 with the  
6 following:

7 "(b) Except as provided in subsection (c), the court may  
8 sentence the defendant to any disposition authorized for the  
9 class of the offense of which he or she was found guilty as  
10 described in Article 4.5 of this Code, and may, in its  
11 discretion, decline to impose any otherwise applicable  
12 sentencing enhancement based upon firearm possession,  
13 possession with personal discharge, or possession with  
14 personal discharge that proximately causes great bodily harm,  
15 permanent disability, permanent disfigurement, or death to  
16 another person.

17 (c) Notwithstanding any other provision of law, if the

1 defendant is convicted of first degree murder and would  
2 otherwise be subject to sentencing under clause (iii), (iv),  
3 (v), or (vii) of subsection (c) of Section 5-8-1 of this Code  
4 based on the category of persons identified therein, the court  
5 shall impose a sentence of not less than 40 years of  
6 imprisonment. In addition, the court may, in its discretion,  
7 decline to impose the sentencing enhancements based upon the  
8 possession or use of a firearm during the commission of the  
9 offense included in subsection (d) of Section 5-8-1."; and

10 by replacing lines 24 through 26 on page 22 and lines 1 through  
11 3 on page 23 with the following:

12           "~~(ii) is a person who, at the time of the~~  
13           ~~commission of the murder, had attained the age of~~  
14           ~~17 or more and is found guilty of murdering an~~  
15           ~~individual under 12 years of age; or, irrespective~~  
16           ~~of the defendant's age at the time of the~~  
17           ~~commission of the offense,~~ is found guilty of".